

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

JAVIER MILLIQUIPAY SANTIBANEZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 22-2992 (UNA)
	)	
	)	
INTER-AMERICAN COMMISSION	)	
ON HUMAN RIGHTS,	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION**

This matter is before the Court on its initial review of Plaintiff's *pro se* complaint and application for leave to proceed *in forma pauperis*. The Court will grant the application and dismiss the complaint for lack of subject-matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action "at any time" it determines that subject-matter jurisdiction is lacking).

"Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute," and it is "presumed that a cause lies outside this limited jurisdiction." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (citations omitted). The subject-matter jurisdiction of the federal district courts is set forth generally at 28 U.S.C. §§ 1331 and 1332. Under those statutes, federal jurisdiction is available only when a "federal question" is presented or the parties are of diverse citizenship and the amount in controversy exceeds \$75,000. "For jurisdiction to exist under 28 U.S.C. § 1332, there must be complete diversity between the parties, which is to say that the plaintiff may not be a citizen of the same state as any defendant." *Bush v. Butler*, 521 F. Supp. 2d 63, 71 (D.D.C. 2007) (citing *Owen Equip. & Erection Co. v.*

*Kroger*, 437 U.S. 365, 373-74 (1978)). It is a “well-established rule” that in order for an action to proceed in diversity, the citizenship requirement must be “assessed at the time the suit is filed.” *Freeport-McMoRan, Inc. v. K N Energy, Inc.*, 498 U.S. 426, 428 (1991). A party seeking relief in the district court must at least plead facts that bring the suit within the court’s jurisdiction. *See* Fed. R. Civ. P. 8(a).

The instant complaint, only part of which is in English, is brought against the Inter-American Commission on Human Rights, an “autonomous organ of the Organization of American States,” <https://www.oas.org/en/iachr/>. To the extent intelligible, the complaint arises from Defendant’s alleged failures in investigating and/or pursuing Plaintiff’s claims of “racial persecution and discrimination” by “four branches of [the] government of Chile[.]” Compl. at 2. Plaintiff has not identified, much less established, the basis of federal court jurisdiction. Consequently, this case will be dismissed by separate order.

Date: October 24, 2022

/s/  
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COLLEEN KOLLAR-KOTELLY  
United States District Judge